

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:12-CR-00028-F-1
No. 7:13-CV-00213-F

TIMOTHY GAINY,)
Petitioner,)
v.) ORDER
UNITED STATES OF AMERICA,)
Respondent.)

This matter is before the court on Timothy Gainey's Motion to Withdraw § 2255 Petition [DE-74]. In his motion, Gainey asserts that he wishes to withdraw his § 2255 motion, which is presently pending before this court.

In light of the foregoing, Gainey's Motion to Withdraw § 2255 Petition [DE-74] is ALLOWED, and Gainey's § 2255 motion [DE-45] is DISMISSED as withdrawn. Also, the Government's Motion to Dismiss [DE-57] is DISMISSED as moot.

SO ORDERED.

This the 20 day of September, 2016.

James C. Fox
James C. Fox
Senior United States District Judge